

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SCOTT MELVIN HUGHES,

Petitioner,
v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C19-5299 BHS

ORDER ADOPTING REPORT AND RECOMMENDATION

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STATE OF WASHINGTON,

Respondent.

This matter comes before the Court on the Report and Recommendation (“R&R”) Honorable Theresa L. Fricke, United States Magistrate Judge, Dkt. 11, and Ponter Scott Hughes’s (“Hughes”) objections to the R&R, Dkt. 12.

On August 2, 2019, Judge Fricke issued the R&R recommending that the Court dismiss Hughes's petition without prejudice for failure to exhaust. Dkt. 11. On August 15, 2019, Hughes filed objections. Dkt. 12.

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

1 In this case, Hughes contests the well-settled and binding precedent that he must
2 exhaust his state court remedies before seeking relief in a federal habeas petition. Dkt.
3 12. Hughes's argument do not persuade the Court to carve out an exception to "one of
4 the pillars of federal habeas corpus jurisprudence." *Calderon v. U.S. Dist. Court for N.*
5 *Dist. of California*, 134 F.3d 981, 984 (9th Cir. 1998). Hughes's other motions and
6 request for injunctive relief are similarly frivolous. Therefore, the Court having
7 considered the R&R, Hughes's objections, and the remaining record, does hereby find
8 and order as follows:

- 9 (1) The R&R is **ADOPTED**;
- 10 (2) Hughes's motions are **DENIED**;
- 11 (3) Hughes's petition is **DISMISSED without prejudice**;
- 12 (4) A Certificate of Appealability is **DENIED**; and
- 13 (5) The Clerk shall enter a JUDGMENT and close the case.

14 Dated this 7th day of October, 2019.

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17 BENJAMIN H. SETTLE
United States District Judge